

CERTIFIED COPY

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE
WILLIAM B. SHUBB, DISTRICT JUDGE PRESIDING

UNITED STATES OF AMERICA,) Case No. 2:21-cr-00111-WBS
)
Plaintiff,) Jury Trial Day 7
)
v.) Date: 5/23/24
)
ROBERT ALLEN POOLEY,)
)
Defendant.)

REPORTER'S PARTIAL TRANSCRIPT OF TRIAL PROCEEDINGS

Pages 1 through 66

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*Proceedings recorded by mechanical stenography. Transcript
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1 I'd like to turn to page 10.

2 And here, again, it states clearly in black and white,
3 the name of the examiner is Yuri Garmashov.

4 I'd like to go to page 16.

5 I want to take a look at this endorsement by the
6 examiner. Now, this one, I think, is important because, first
7 of all, of course, it says name of the examiner, Yuri
8 Garmashov. Okay. That was not being hidden from the
9 candidates, and that is right above a part where the candidate
10 has to sign. They put their name here and they sign. They
11 say: "I hereby certify that I have been properly trained."

12 The candidates have to read that. If Rob Pooley hands
13 them paperwork or they have to sign to say they certified
14 something, if they're now saying, "Oh, I didn't look at that.
15 I didn't think about it," that's not Mr. Pooley's fault. The
16 candidates knew that what they were certifying was a lie. That
17 was not hidden from them.

18 We can take that down.

19 I want to talk about some of the other evidence in
20 black and white.

21 Now, we've -- the Government pulled out the text
22 messages, a couple of them, from Brad North. Now, it's
23 important to me about those text messages, another way to read
24 those text messages is that they show that Brad North knew that
25 Yuri's signature was there, knew that Yuri didn't train him,

1 and knew that he was lying on that paperwork.

2 He asked Rob Pooley, "Oh, so I just put the dates next
3 to Yuri's signatures." Casual way like that, not, "Wait. You
4 want me to certify I was properly trained by Yuri?"

5 He knows. He knows what's going on there.

6 Another thing about those text messages is that
7 Mr. Pooley is telling him exactly how it's going to go. He's
8 going to send the paperwork to Yuri Garmashov. Yuri is going
9 to review it, and after that, they're going to submit it.

10 Now, the Government has tried to make a lot of hay
11 about how, oh, he was asked a lot of times, and then he didn't
12 send it. So that was all a lie. But, actually, they were
13 going to send in the paperwork after Yuri came back. And we'll
14 see that in Yuri's text messages, as well, that I'm going to
15 cover in a little bit.

16 Right now what I wanted to talk about is if he was
17 trying to deceive these people, why would he hand them that
18 paperwork? If he wanted them to think, "Oh, I'm the tandem
19 examiner and everything is completely fine," why would he hand
20 them paperwork with someone else's name on it with lies that
21 the candidate would have to sign? Why would he do that?

22 If he wanted to deceive them, he could have given them
23 blank paperwork, had them fill it out, and then gone back to
24 his desk secretly, and put Yuri's name on it.

25 Or how about this: He could have had the signatures

1 prefilled, saying, you know, signature on this line, but just
2 not had the name "Yuri Garmashov" written there in black and
3 white. Wouldn't that have made a lot more sense?

4 Then he could have told these people, "Oh, don't
5 worry. That's my signature. I just prefilled it." And then
6 later, for the USPA, he could have written "Yuri Garmashov."

7 That would make a lot more sense, if he was trying to
8 hide it from these people. He was not trying to hide it, in
9 fact. He took the paperwork, and he handed this paperwork to
10 the candidates.

11 Now, you heard it's the responsibility of the examiner
12 to do the paperwork. That's not what he did. He involved the
13 candidates in filling out the paperwork. He showed them Yuri's
14 signature. He showed that all to them in a time that they knew
15 Yuri hadn't been there.

16 Now, another way we know what the candidates knew at
17 the time is from some things that Mr. Garmashov admitted on the
18 stand. Now, as you saw, he was not happy to be here. He was
19 not happy to answer my questions. He was fighting me every
20 step of the way.

21 But he did admit one thing, which is that he comes
22 back to the Parachute Center in August, and he talks to some of
23 these people who were trained. And what do they know? They
24 know Yuri's signature is on their paperwork. They know Rob is
25 training them and Yuri is signing off. They know that the

1 paperwork is going to be submitted when Yuri gets back.

2 Now, there's no reason that Yuri Garmashov should
3 have, on the stand, said those things if they weren't true.
4 Like, that's not part of this narrative that he's spinning for
5 himself, but he still admitted that is what happened.

6 All right. And then I wanted to talk about Exhibit 4
7 and what this paperwork shows, as well. Okay.

8 So this is the e-mail that the -- the Government was
9 just talking about where Mr. Pooley sends the application for a
10 Lachlan Mackay, who goes by "Morgan."

11 Let's go to the next page, please. Third page,
12 actually. Sorry. Okay.

13 And then this was signed off by Yuri Garmashov, having
14 trained, as we've talked about.

15 Now, is there any evidence that Mr. Mackay knew that
16 this was Rob Pooley sending this paperwork? Let's take a look
17 at that, because this e-mail was signed "Yuri." So the
18 Government is saying that was deceptive, that was deceptive on
19 Mr. Mackay. But was it?

20 I would like to pull up Exhibit 2134. Oh, I'm sorry.
21 34-R. 2134-R.

22 MS. LYDON: Objection to that not-in-evidence
23 document.

24 MS. CRAGER: Ignore that. Sorry.

25 THE COURT: All right. It's off the screen.

1 MS. CRAGER: Yeah. It's off now. It's redacted now.
2 I'm sorry about that.

3 MS. LYDON: That was up for about eight seconds.

4 THE COURT: All right. That was a mistake, and
5 nobody -- nobody saw it. I didn't even -- I think I must have
6 been looking down. Anyway, if there was something on there
7 that wasn't in evidence, the jury will disregard it.

8 MS. CRAGER: Okay. So this e-mail is from the same
9 Morgan, Morgan Mackay, at that same e-mail address.

10 What's important about this e-mail is that he is
11 reaching out to Rob Pooley about his ratings. He says: "I was
12 hoping you could let me know what stage my rating is at or was
13 at so I can figure out how to proceed?"

14 Now, if he had been misled by Mr. Pooley into
15 believing that, "Oh, this was all above board. Don't worry.
16 Yuri is going to send this e-mail to sign to Yuri," why would
17 he be reaching out to Rob Pooley? And this is at Rob Pooley's
18 personal e-mail address, not even the e-mail address that
19 originally sent the paperwork.

20 The candidates were not deceived. They knew that to
21 get their paperwork -- sorry -- to get their ratings that Rob
22 Pooley and them, they would have to lie in the paperwork to
23 USPA.

24 You can take that down.

25 All right. And I want to talk about an important

1 didn't submit the paperwork, and they want you to infer that,
2 therefore, he never intended to submit the paperwork and,
3 therefore, it was fraud.

4 Now, there are a few problems with this. One is that
5 he did submit some of the paperwork. Count 4 is him submitting
6 the paperwork. So if he never intended to submit the
7 paperwork, why did he submit the paperwork?

8 The other problem with it is that there is evidence
9 that the plan was, they'll submit the paperwork when Yuri comes
10 back. That's what he told to Brad North in the text messages.

11 And also I want to look at 2060, which is the text
12 messages with Yuri. You can read these text messages and
13 interpret what you want to interpret.

14 Let's go to page 2.

15 Now, you heard Yuri Garmashov testify in this text
16 message -- let's just zoom in here -- in this text message --
17 excuse me -- he was asking: "How many candidates were trained
18 this summer? How much paperwork do we have that hasn't been
19 submitted yet?" Right?

20 And Rob responds: "The ones you have." Right?

21 Let's zoom out of there. Let's go to the next page.

22 And this is the last thing that he says: "Anything
23 that I submit from now on can't be processed by the USPA."
24 That refers to a previous part of a conversation.

25 We can take that down.